



Docket No. 12969-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bitler et al

Group Art Unit: 1714

5 Serial No.: 09/810,920

Examiner: Peter Szekely

Filing Date: March 16, 2001

Title: Polymeric Thickeners for Oil-containing Compositions

Mail Stop Issue Fee

10 Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

AMENDMENT UNDER 37 CFR 1.112

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This amendment under 37 CFR 1.112 contains the following sections.

Request for Decision on Previously-filed Petition, which begins on page 2 of this paper.

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Amendments to the claims, which begin on page 4 of this paper.

Comments on the amendments to the claims, which begin on page 20 of this paper.

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Comments on Statement of Reasons for Allowance, which begin on page 21 of this paper.

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Mail Stop issue fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
On August 8, 2005 Typed name of person signing this certificate: T. H. P. Richardson

Signature

REQUEST FOR DECISION ON PREVIOUSLY-FILED PETITION

This is a request for a decision on a petition filed October 25, 2001.

5 On October 25, 2001, Applicant mailed a paper entitled Petition to Award Additional Priority Claim under 37 CFR 1.55, together with a Declaration and Power of Attorney setting out the priorities claimed for this application, namely priority under 35 USC 120 from US Serial No. 09/398,377, filed September 17, 1999, and priority under 35 USC 119 from International Application No. PCT/US 00/40780, filed August 30,
10 2000. The specification originally filed with this application correctly states, on page 1, lines 5-9, that those two priorities are claimed. However, the Declaration filed with the application did not refer to either of these priorities and the transmittal letter filed with the application referred only to the US priority. The Office issued a Filing Receipt listing the US priority only. The Petition and the revised Declaration were filed in order to
15 claim the priority of the PCT application under 35 USC 119.

Reviewing the Petition, it has been noted that the Petition incorrectly states that the priority claim (to the PCT application under 35 USC 119) was "made after the filing date and subsequent publication of the application of August 30, 2001". That was not
20 correct. The application as filed did expressly and correctly set out (on page 1 of the specification) the priorities that were claimed. The Petition should, therefore, more correctly state that the Declaration filed with the application mistakenly omitted reference to the priorities set out in the specification, and that the revised Declaration was being filed in order to correct that mistake.

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Applicant has previously made a number of unsuccessful attempts to obtain a decision on the Petition, namely: --

(1) Page 21 of the Reply mailed February 28, 2002, presents the facts noted above and asks that the Examiner, or other person responsible for responding to
30 the Petition, should contact the undersigned by telephone if further action was needed in order to confirm that both priorities had been properly claimed.

- (2) Page 27 of the Reply mailed June 22, 2002, draws attention to the request in the previous Reply and asks the Examiner to review the papers and confirm that both priorities had been properly claimed.
- (3) Page 30 of the Reply mailed September 27, 2002, repeats (2).
- 5 (4) Page 42 of the Reply mailed January 27, 2003, repeats (2).
- (5) A Request for Decision on previously-filed Petition, and for Corrected Filing Receipt (attention Petitions Branch) was mailed on June 17, 2003.
- (6) Page 22 of the Reply mailed March 4, 2004, notes that no response has been received to the previously-filed Petition and the associated Request for
- 10 Decision on Previously-filed Petition and for Corrected Filing Receipt, and asks the Examiner to take the appropriate action to resolve these outstanding matters.

The Office Action mailed 06/23/2004 states

The Examiner does not consider petitions. Applicants should resubmit it to the Petition Branch.

- 15 (7) A Request for Decision on Previously-filed Petition was mailed to the Office of Petitions on November 24, 2004.